

ZONING CHANGE REVIEW SHEET

CASE: - C14-2017-0059 – 1105 Rio Grande Street **P.C. DATE:** June 27, 2017

ADDRESS: 1105 Rio Grande Street

DISTRICT AREA: 9

OWNER/APPLICANT: Asa Christensen

AGENT: Asa Christensen

ZONING FROM: GO **TO:** DMU

TOTAL AREA: 0.084 acres (3,676 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends rezoning the tract locally known as 1105 Rio Grande Street from general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay is for a 60 foot height restriction.

PLANNING COMMISSION RECOMMENDATION:

June 27, 2017 *APPROVED DMU-CO ZONING AS STAFF RECOMMENDED BY CONSENT [J. SCHISSLER, J. SHEIH – 2ND] (7-0) F. KAZI, A. DE HOYOS HART, P SEEGER, J. VELA III, T. WHITE, N. ZARAGOZA – OFF THE DAIS.*

ISSUES:

None on subject tract

DEPARTMENT COMMENTS:

The subject tract is 0.084 acres (3676 square feet) is comprised of the northern 53 feet of a single unplatted lot on the northeast corner of Rio Grande Street and W 11th Street. The street address is 1105 Rio Grande Street.

The property is now zoned general office (GO). Two one-story buildings were constructed onsite in 1931, and the tract has remained more or less in the same configuration up to the present day. These buildings currently serve as a commercial establishment, a passport processing center.

The applicant is requesting a zoning change to downtown mixed use (DMU). At present, the applicant has a preliminary concept to demolish the existing buildings and construct a single one-story commercial building. At the time of a new site plan, access would need to be taken from the adjacent alley to the north. Access to Rio Grande Street would be prohibited, per the Transportation Criteria Manual, due to the close proximity of another driveway to the south, in addition to access requirements of the DMU zoning district.

The subject tract is located in the Northwest District of the Downtown Austin Plan (DAP), which was adopted in 2011. The DAP identifies this tract and several other properties in the immediate vicinity as appropriate for DMU zoning with a suggested height restriction of 60 feet for the subject tract (see exhibit C). Base DMU zoning allows for 120 feet in height.

The recommended DMU zoning classification was intended to expand entitlement rights to develop the property in a way that will encourage a mix of land uses while also implementing district specific goals. The Northwest District has a significant number of Historic Landmark structures. Limiting the height to 60 feet will better compliment the historic character of the district. Although there is no residential component in the concept, under the proposed zoning, the applicant would have the ability to develop mixed use, including residential.

The implementation of the Downtown Austin Plan has resulted in a lot of rezoning activity downtown accordance with the plan's recommendations. The plan recommends DMU-60 zoning for large portions of the Northwest District, and that has been the overall trend in rezoning. Within 500 feet of the subject tract, there are now 5 lots with the base zoning of DMU, including 604 W 11th Street adjacent to the tract to the east, and 601 W 11th Street as well as the entire block bounded by W 11th Street, Rio Grande Street, W 10th Street and Nueces Street.

In the Imagine Austin Comprehensive Plan, downtown is designated as a Regional Center, the most urban place in the region. Higher densities are encouraged in these areas, including low to high rise residential and office buildings.

For the reasons stated above, Staff recommends DMU-CO zoning with a conditional overlay to limit height to 60 feet.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Commercial
<i>North</i>	P, then W 12 th St, GO	Office, then W 12 th St, Apartments
<i>South</i>	GO, then W 11 th St, DMU	Office, then W 11 th St, Apartments
<i>East</i>	DMU-H, GO	Single Family, Office
<i>West</i>	Rio Grande St, UNZ	Rio Grande St, Elementary School

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan (Northwest District)

TIA: No, however a TIA may be required at the time of site plan.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID</i>
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
Central Austin Community Development Corporation	1391
City Of Austin Downtown Commission	623
Downtown Austin Neighborhood Assn (DANA)	402
Friends Of Austin Neighborhoods	1530
Historic Austin Neighborhood Association	1400
Homeless Neighborhood Association	1550
Old Austin Neighborhood Association	57
Preservation Austin	1424
Seltexas	1363
Shoal Creek Conservancy	1497
Sierra Club, Austin Regional Group	1228
West Downtown Alliance Inc	1253
West End Austin Alliance	998

SCHOOLS: Matthews Elementary, O Henry Middle School, Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2017-0054 1202 San Antonio St	From GO to DMU	6-13-17, Apvd DMU-CO (CO for 60 ft height limit, prohibited uses – bail bond services, liquor sales, cocktail lounge)	City Council hearing pending, to take place on 08-03-17
C14-2017-0037 1108 Nueces Street	From GO to DMU	05-09-17 - Apvd DMU- CO w/CO for 60' height limit as Staff rec	City Council hearing pending, to take place on 06-08-17
C14-2016-0110 1005 West Ave	From MF-4 to GO-MU	12-13-16- Apvd DMU-CO w/CO for 60' as Staff rec	01-26-17- Apvd DMU- CO as PC rec

C14-2015-0133 1204 San Antonio Street	GO to CBD (Applicant amended request to go from GO to DMU on November 16, 2015)	03-08-16- Approved DMU-CO with a 90 ft. height restriction for Tract A (1204 San Antonio St.); DMU-CO with a 60 ft. height restriction for Tract B (1205 Nueces St.); bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and amplified music uses are prohibited on Tracts A and B	06-16-16 - Approved DMU-CO zoning, with a height restriction of 60 feet and with bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and outdoor amplified sound uses being prohibited (Ordinance 20160616-037)
C14-2012-0080 1204 West Ave	From LO, MF-4, and CS TO DMU.	03-26-13- Apvd. Staff rec of DMU-CO w/added conds. of restaurant uses w/o drive-thru and include Great Streets	04-25-13 – Postponed indefinitely Case Expired per LDC 25-2-246(A)(2)
C14-2012-0081 and C14H-2012-0013 1212 Rio Grande Street	UNZ-H & UNZ to DMU-H & DMU Case Expired per LDC 25-2-246(A)(2)	3-26-13 - Apvd. Staff rec of DMU-CO w/added conditions of restaurant uses w/o drive-thru and include Great Streets	4-25-13 - Postponed on consent indefinitely. Items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda
C14-2012-0082 1209 Rio Grande Street	From GO, LR-CO to DMU	03-26-13- Apvd DMU-CO (staff) with added conditions of restaurant uses without drive thru and include Great Streets	04-25-13- Apvd indef pp on consent; Case Expired per LDC 25-2-246(A)(2)
C14-2007-0030 1104 San Antonio Street	From CS to DMU Case withdrawn	5-8-07 - W/D; no action req'd	N/A

C14-01-0052 605 W 13th Street	From GO to LR	05-22-01 - Apvd Staff Rec Of LR-CO W/Conds	08-09-01 - Apvd Staff Rec Of LR-CO W/Conds (CO restricts off-street parking closer than 10 feet from W 13 th St, and prohibits a set of uses) (Ordinance 010809-28)
C14-96-0050 510 W 10 th Street	From GO, GO-H, CS, and MF-4 to P	04-23-96 – Apvd Staff Rec of P	05-23-96 – Apvd PC rec of P (Ordinance 96- 0523-P)

RELATED CASES:

None on the subject tract.

SUBDIVISION: The north 53 feet of an unplatted lot, located at the northeast corner of W. 11th Street and Rio Grande Street.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Rio Grande Street	80 ft	40 ft	Collector	Yes	Yes, shared lane	Yes

TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR3. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

TR4. FYI - Per LDC and TCM, access to the site shall only be from the adjacent alley. Access to Rio Grande Street is prohibited.

TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Quiet Street is recommended for Rio Grande Street.

CITY COUNCIL DATE: August 3, 2017

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Scott Grantham

PHONE: 512-974-3574

EMAIL: Scott.Grantham@austintexas.gov

BASIS FOR RECOMMENDATION

1. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The DMU zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is identified in the plan document as an appropriate location for Downtown Mixed Use – DMU and suggests a height restriction of 60 ft. (see Exhibit C). DMU will grant entitlement rights to develop the property in a way that will implement the district-specific goals.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a Regional Center on the Imagine Austin's Growth Concept Map.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Downtown Mixed Use district is intended for use located on the periphery of an area that has a CBD zoning designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand. This zoning district is appropriate for this site based on its proximity to the CBD of the downtown area.

EXISTING CONDITIONS

Site Characteristics

The tract is currently developed with two commercial buildings, taking access from Rio Grande Street and the alley to the north. The tract is relatively flat with a slight grade change, sloping down to the southeast corner. There are no critical environmental features on the tract and it is not in a floodplain.

Impervious Cover

The tract is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The DMU zoning district allows up to 100% impervious cover.

Comprehensive Planning – Anne Milne – 512-974-2868

Downtown Austin Plan

The property is located in the Northwest District of the Downtown Austin Plan. The subject property has been identified in the plan document as a property that may be eligible for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79) if new zoning districts are created via implementation of the plan. The intent was to increase diversity of land uses while not creating an over-entitlement of said properties.

The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities and will implement the following Downtown Plan Goals:

AU-1.1: Replace single-use zoning districts with downtown mixed-use zoning designations.

Imagine Austin Plan

The subject property is located within the boundaries of a Regional Center as defined in the Imagine Austin Growth Concept Map. A Regional Center is the most urban and dense of the activity center types and is intended to be a retail, cultural, recreation, and entertainment destination in central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

Site Plan – Clarissa Davis - 512-974-1423

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

This site is located in the Downtown Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.

Property is immediately adjacent to a civic use (school) which triggers Article 10 Compatibility Standards

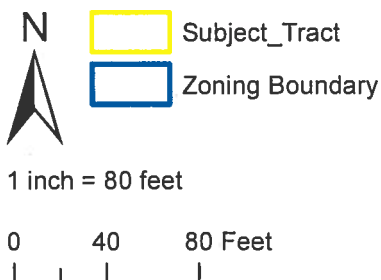
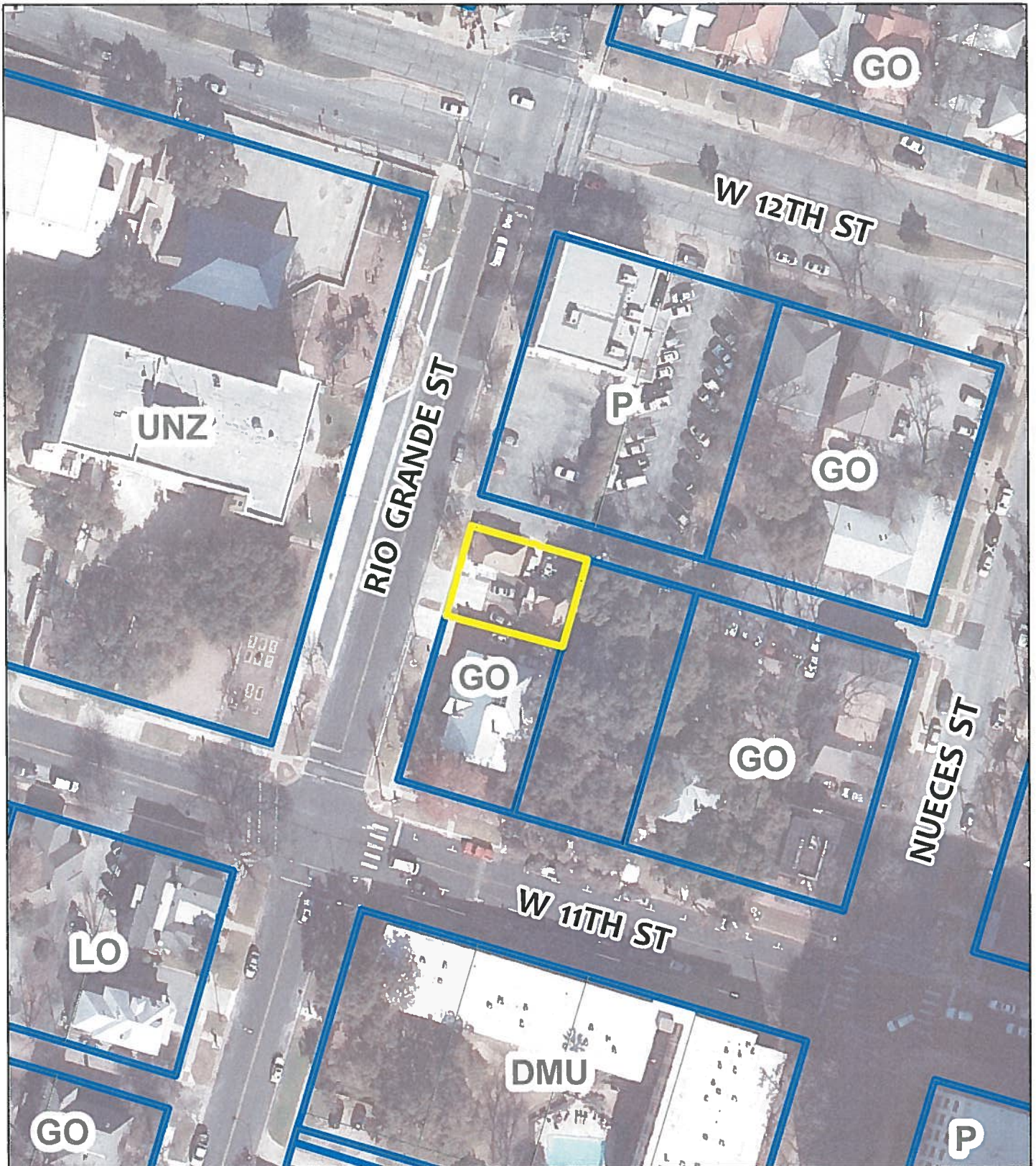
Environmental – Atha Phillips - 512-974-6303

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all redevelopment.

5. Some trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls or payment in lieu of for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Water Utility – Neil Kepple – 512-972-0077

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



ZONING & VICINITY - EXHIBIT B

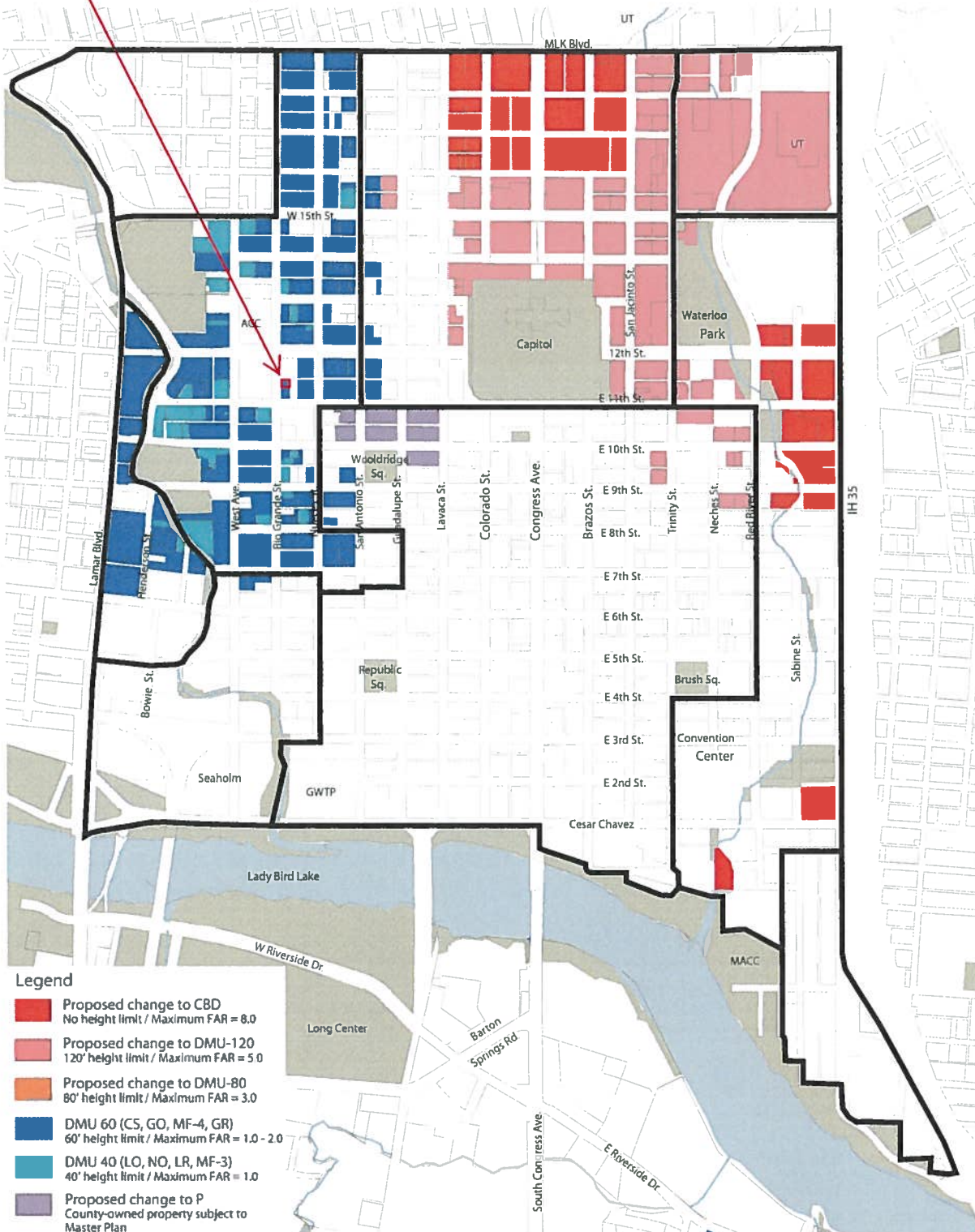
Zoning Case: C14-2017-0059
 Address: 1105 Rio Grande Street
 Subject Area: 0.084 Acres
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



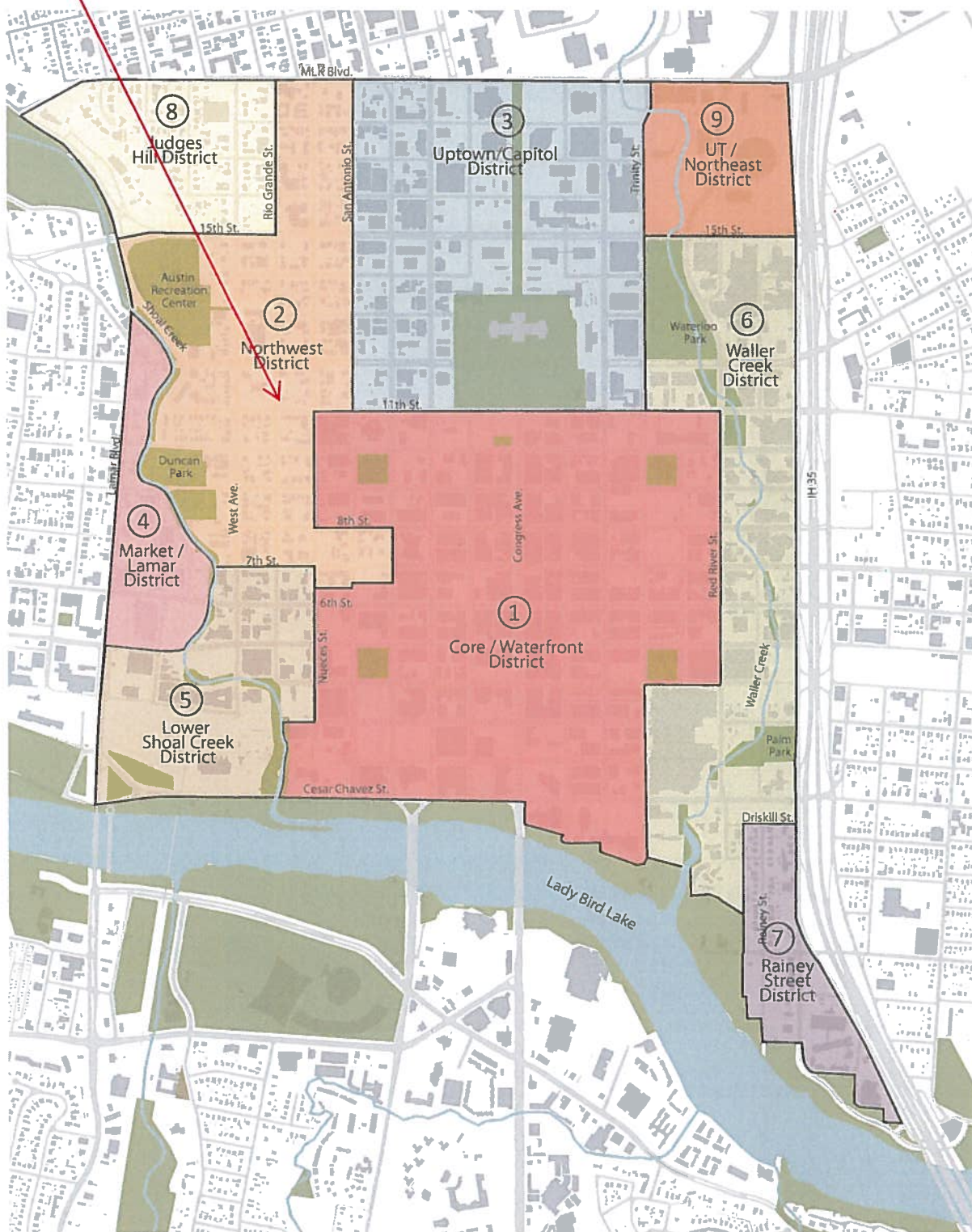
EXHIBIT C - MAPS FROM DOWNTOWN AUSTIN PLAN

Tract



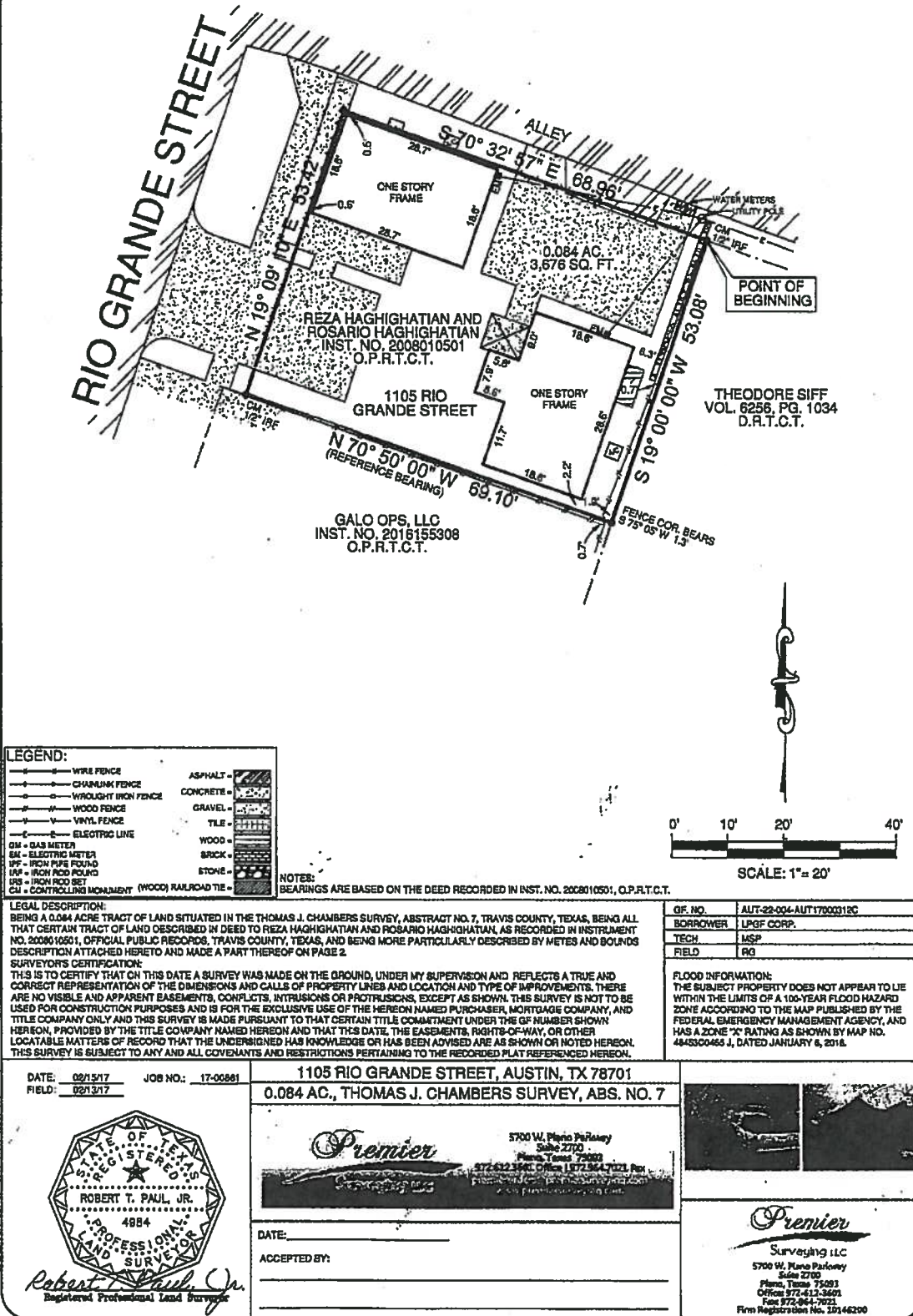
Proposed Downtown Zoning Changes

Tract



Downtown Districts Map

EXHIBIT D - SURVEY



PREMIER SURVEYING LLC

5700 W. Plano Parkway, Suite 2700
Plano, Texas 75093
972-612-3601
Fax: 972-964-7021

Exhibit "A"
(1105 RIO GRANDE STREET)

BEING A 0.084 ACRE TRACT OF LAND SITUATED IN THE THOMAS J. CHAMBERS SURVEY, ABSTRACT NO. 7, TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO REZA HAGHIGHATIAN AND ROSARIO HAGHIGHATIAN, AS RECORDED IN INSTRUMENT NO. 2008010501, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE EAST CORNER OF SAID HAGHIGHATIAN TRACT AND THE NORTH CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO THEODORE SIFF, AS RECORDED IN VOLUME 6256, PAGE 1034, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID IRON ROD BEING ON THE SOUTHWEST LINE OF AN ALLEY;

THENCE SOUTH 19° 00' 00" WEST, A DISTANCE OF 53.08 FEET ALONG THE COMMON LINE OF SAID HAGHIGHATIAN AND SIFF TRACTS TO A POINT FROM WHICH A FENCE CORNER BEARS SOUTH 75° 05' WEST - 1.3 FEET, SAID POINT BEING THE SOUTH CORNER OF SAID HAGHIGHATIAN TRACT AND THE EAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO GALO OPS, LLC, AS RECORDED IN INSTRUMENT NO. 2016155308, AFORESAID OFFICIAL PUBLIC RECORDS;

THENCE NORTH 70° 50' 00" WEST, A DISTANCE OF 69.10 FEET ALONG THE COMMON LINE OF SAID HAGHIGHATIAN AND GALO OPS TRACTS TO A 1/2-INCH IRON ROD FOUND AT THE WEST CORNER OF SAID HAGHIGHATIAN TRACT, SAID IRON ROD BEING ON THE SOUTHEAST LINE OF RIO GRANDE STREET;

THENCE NORTH 19° 09' 10" EAST, A DISTANCE OF 53.42 FEET ALONG SAID SOUTHEAST LINE TO THE NORTH CORNER OF SAID HAGHIGHATIAN TRACT, BEING THE INTERSECTION OF SAID SOUTHEAST LINE AND THE SOUTHWEST LINE OF AFORESAID ALLEY;

THENCE SOUTH 70° 32' 57" EAST, A DISTANCE OF 68.96 FEET ALONG SAID SOUTHWEST LINE TO THE POINT OF BEGINNING AND CONTAINING 3,676 SQUARE FEET OR 0.084 OF ONE ACRE OF LAND.



Robert T. Paul, Jr.
REGISTERED PROFESSIONAL LAND SURVEYOR

Survey Plat of even date attached hereto and made a part hereof.

Date: 02/13/17

EXHIBIT E – Site Photos

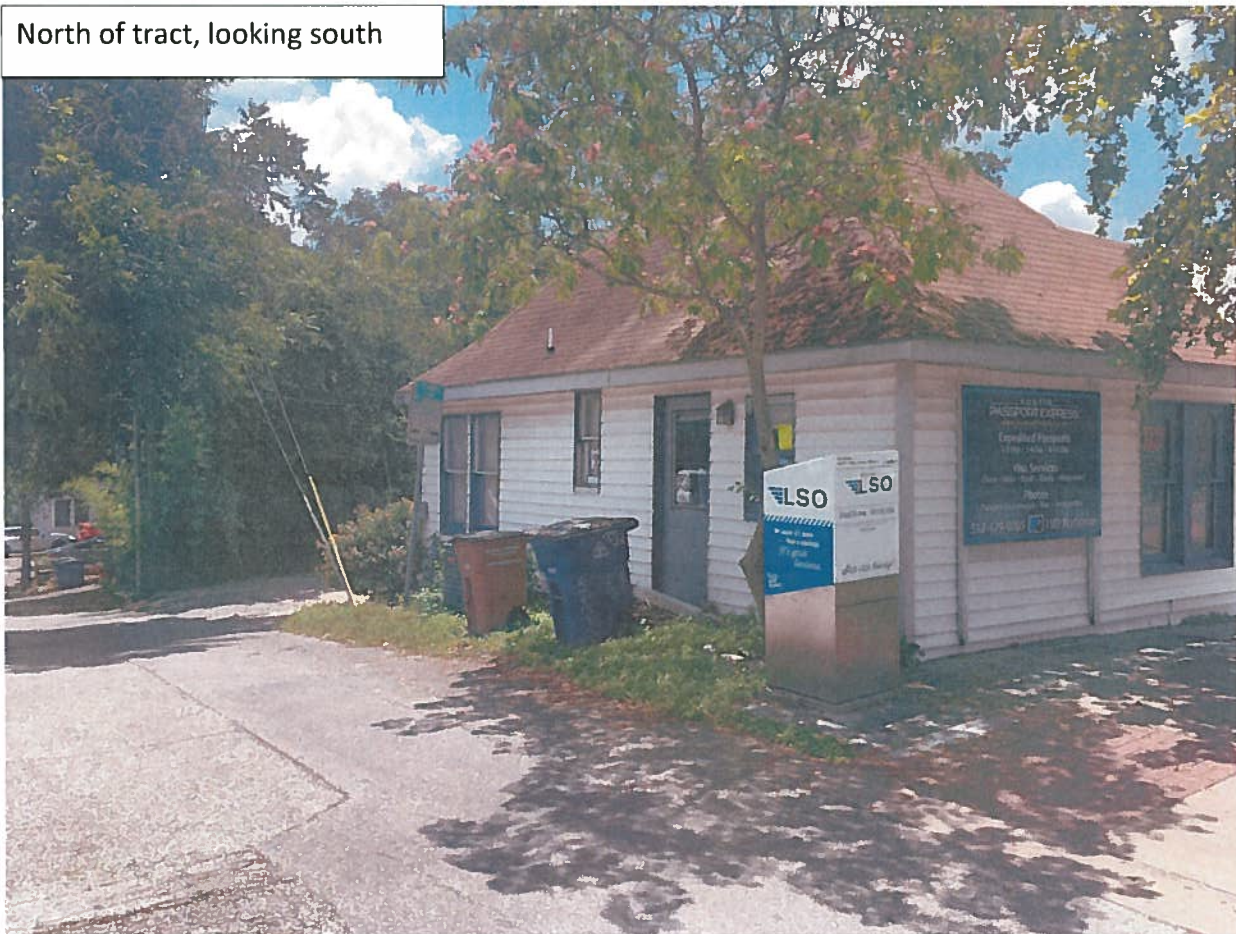
South of tract, looking north



West of tract, looking east



North of tract, looking south



June 26, 2017

CASE: C14-2017-0059

ADDRESS: 1105 Rio Grande St.

HEARING DATE: June 27, 2017

Planning and Zoning Commission Members,

I am in favor of the proposed zoning change if the following items are imposed/addressed:

1. A conditional overlay be recommended for a height limitation of 60 feet;
2. There are no conditions imposed concerning access from the existing driveway on Rio Grande or that all access must be taken from the adjacent alley. The notation in the report to P&Z mentions access from the alley is required by the LDC and is being recommended by Transportation. I don't understand why this particular LDC requirement is being pointed out versus other LDC site plan requirements. I am concerned that this will be construed as a condition of approval or a conditional overlay.

Once the zoning change is approved, it is very possible that submittals for site plan approval/construction of a building other than the 3-d depiction that was submitted with the zoning change request could be constructed. I think it would be a mistake to tie the hands of future reviews by the city to require at this stage of the process that the existing driveway/curb cut on Rio Grande cannot be used (implying removal) and all access must be from the adjacent alley.

If the LDC truly imposes the restriction of access from the alley, then let the LDC requirements stand when a site plan is submitted. It should not be necessary to impose any additional conditions relating to access from an existing driveway and/or the adjacent alley; and

3. I was surprised there were no staff recommendations for restriction in uses on this property, especially due to an elementary school being located across the street. I would ask that any recommendation for approving the zoning change include the following uses being prohibited: automotive rentals, automotive repair services, automotive sales, automotive washing, cocktail lounge, commercial off street parking, convenience storage, electronic prototype assembly, electronic testing, liquor sales, medical offices, off site accessory parking; vehicle storage, service station, pawn shop services, bail bonds, outdoor entertainment and amplified sound.

Thank you for your time.

Jayme Foley
Live Oak 602 Joint Venture Partnership
602 W 11th St
Austin, TX 78701-2007